
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH – CENTRAL DIVISION

1-800 CONTACTS, INC., a Delaware corporation,

Plaintiff,

v.

LENS.COM, INC. d/b/a as LENS.COM, JUSTLENS.COM AND JUSTLENSES.COM, a Nevada corporation,

Defendant.

**THIRD AMENDED
SCHEDULING ORDER**

Case No. 2:07cv00591 DB

District Judge Dee Benson

Magistrate Judge David Nuffer

The Court has separately entered its order (docket no. 56) granting a motion (docket no. 45) to amend the schedule in this case (docket no. 35).

IT IS HEREBY ORDERED that the Second Amended Scheduling Order (docket no. 35) entered June 16, 2008, is hereby AMENDED, and the following dates and deadlines shall govern this action. The extension of discovery granted by this motion shall only be used for the limited purpose of completing discovery that has already been served by either party as of August 8, 2008.

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|---|------------------|
| 1. AMENDMENT OF PLEADINGS/ADDING PARTIES | DATE |
| a. Last Day to File Motion to Amend Pleadings | <u>8/15/2008</u> |
| b. Last Day to File Motion to Add Parties | <u>8/15/2008</u> |
| 2. RULE 26(a)(2) REPORTS FROM EXPERTS | DATE |
| a. Plaintiff | <u>9/22/2008</u> |
| b. Defendant | <u>10/7/2008</u> |

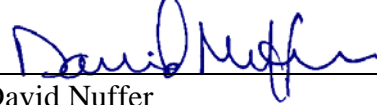
3. OTHER DEADLINES	DATE
a. Discovery to be completed by:	
Fact discovery	<u>9/8/2008</u>
Expert Discovery	<u>11/7/2008</u>
b. Final date for supplementation of disclosures and discovery under Rule 26(e)	<u>9/8/2008</u>
c. Deadline for filing dispositive or potentially dispositive motions	<u>12/1/2008</u>
i. Responses (following motion)	20 calendar days
ii. Replies (following response)	10 calendar days
d. Evaluate case for Settlement/ADR	<u>10/7/2008</u>
4. TRIAL AND PREPARATION FOR TRIAL	DATE
a. Rule 26(a)(3) Pretrial Disclosures:	
Plaintiff	<u>2/27/2009</u>
Defendant	<u>3/13/2009</u>
b. Objections to Rule 26(a)(3) Disclosures	
c. Special Attorney Conference on or before	<u>3/27/2009</u>
d. Settlement Conference on or before	<u>3/27/2009</u>
e. Final Pretrial Conference	2:30 p.m. <u>4/15/09</u>
f. Trial	<u>Length</u>
i. Bench Trial	
ii. Jury Trial	<u>5 days</u> 8:30 a.m. <u>4/27/09</u>

6. OTHER MATTERS

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

August 16, 2008

BY THE COURT:



David Nuffer
U.S. Magistrate Judge